

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27300 of 2025

Arising Out of PS. Case No.-464 Year-2023 Thana- HILSA District- Nalanda

Manish Kumar Son of Awadhesh Prasad Resident of Maharani chauk P.S
-Fathua, Dist- Patna P/A- Gannipur, Ps- Hilsa, Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manisha Kumari Daughter of Nivas Kumar Resident of House no. 132 B
Ph- 1, Street No. 32, Prashant Enclave, Baprola, West Delhi, Pin- 11043,
P/a- Brahmsthan, Ps- Hilsa, Dist- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar
For the Opposite Party/s : Ms. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 17-12-2025 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Hilsa Police Station Case No. 464 of 2023, dated
23.07.2023, disclosing offences punishable under
Sections 323/342/376/506/34 of the Indian Penal Code,
Section 6 of the Prevention of Children from Sexual
Offences Act, 2012 and Sections 9/10/11 of the
Prohibition of Child Marriage Act.
3. The prosecution case, as per the First Information Report,
is that the informant, who was minor, was forcibly
married to the petitioner with the help of the parents of



both, the informant and the petitioner, and after the marriage, the petitioner established physical relationship with the informant against her wish.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. He further submits that the marriage of the petitioner and the informant was solemnized in a temple in presence of parents and other relatives of both the sides and the petitioner established physical relationship with the informant with her consent. He further submits that from perusal of the First Information Report, it would be evident that character of the informant is dubious inasmuch as she has herself stated in the First Information Report that she stayed at different places in Delhi without having known to the persons with whom she stayed. He further submits that the informant has love affair with one Prashant Kumar, and at his instance, the informant has lodged this false case.
5. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that the informant was only 16 years of age at the



time of her marriage and the petitioner has established physical relationship with her without her consent, which amounts to rape.

- 6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the seriousness of the offence and the fact that the informant was only 16 years of age at the time of her marriage and the petitioner established physical relationship with her, I am not inclined to grant the petitioner privilege of anticipatory bail.
- 7. This application is, accordingly, dismissed.
- 8. However, if the petitioner surrenders before the learned District Court and files an application for grant of regular bail, the learned District Court will decide the same without being prejudiced by the rejection of the anticipatory bail application of the petitioner.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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